

#### UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	F	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/828,619 04/06/2001		04/06/2001	Helen B. Meyer 2543.01US02		5836	
24113	7590	05/21/2002				
PATTERS	ON, THU	ENTE, SKAAR &	EXAMINER			
4800 IDS C 80 SOUTH		EET	BREVARD, MAERENA W			
MINNEAP	OLIS, MN	55402-2100		ART UNIT	PAPER NUMBER	
				3727	-	
				DATE MAILED: 05/21/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   App	•								
Examiner 7h. MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of This COMMUNICATION.  Estancians of time may be available under the possibilities of 31 CRR 1,136(b). In no event, however, may a reply be timely filed  If the period for reply is geoffied above, the mandrum database year and will apply and will expend to the correspondence address  If NO period for reply is geoffied above, the mandrum database year and will expend SIX (8) MAINTES (30) days will be contidered timely.  If NO period for reply is geoffied above, the mandrum database year and will expend SIX (8) MAINTES (30) days will be contidered timely.  If NO period for reply is geoffied above, the mandrum database year and will expend SIX (8) MAINTES (30) days will be contidered timely.  If NO period for reply is geoffied above, the mandrum database year and will expend SIX (8) MAINTES (30) days will be contidered timely.  If NO period for reply is geoffied them bees models after the mailing date of the communication, own if timely filed, may reduce a my sund paper term adjunction.  As a replect term adjunction.  1) Responsive to communication(s) filed on 06 April 2001.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)is/are pending in the application.  4a) Of the above claim(s)is/are withdrawn from consideration.  5)Claim(s)is/are above.  5)Claim(s)is/are above.  6)Claim(s)is/are above.  6)Claim(s)is/are above.  7)Claim(s)is/are above.  8)The specification is objected to by the Examiner.  10)The proposed drawing correction filed onis/are.  11)The proposed drawing correction filed on		Application No.	Applicant(s)	_ /					
Maerena W. Brevard		09/828,619	MEYER, HELEN	$\bigcirc$ V					
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#### **DETAILED ACTION**

#### Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- I. Figures 1-3 and 6
- II. Figures 4-5a, 8 and 9
- III. Figure 7

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 5-11, and 15-19 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Mr. Doulgas Christensen on May 14, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9302 for regular communications and 703/872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-0037.

Maerena Brevard May 19, 2002

Stephen K. Cronin Primary Examiner

# Attachment for PTO-948 (Rev. 03/01. or earlier) 6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

### INFORMATION ON HOW TO EFFECT DRAWING CHANGES

#### 1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein Identifying indicia, if provided, should include the title of the invention inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1 136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

# 2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Drattsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes

## Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in ABANDONMENT of the application.